

ESTTA Tracking number: **ESTTA467542**

Filing date: **04/17/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200643
Party	Defendant Nowlan Family Trust
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Submission	Stipulated/Consent Motion to Extend
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Signature	/John J. O'Malley/
Date	04/17/2012
Attachments	Motion to Reset Discovery.pdf (3 pages)(97653 bytes)

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Trademark Opposition of:

Mark: BUCK ROGERS
Appln. No. 77/650082
Filed: January 15, 2009
Published: June 14, 2011

Opposition No.: 91200643

Date: April 17, 2012

Dille Family Trust,
Opposer

v.

Nowlan Family Trust,
Applicant

**STIPULATED MOTION TO RESET THE DISCOVERY
AND TRIAL PERIOD**

Applicant, Nowlan Family Trust ("Nowlan"), hereby moves for a resetting of the discovery and trial testimony period in accordance with the TTAB's February 9, 2012 Order. The discovery period is currently set to close today, April 17, 2012.

On February 9, 2012, the Board issued an Order granting Opposer's Motion for an Extension of Time. In the Order the discovery period was set to close on June 5, 2012.

Applicant was unaware of the Board's February 9, 2012 Order due to an e-mail error and believed the discovery period was set to close on March 18, 2012.

* * *
Certificate of Service and Mailing

I hereby certify that this correspondence is being filed online via ESTTA to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on April 17, 2012.

I further certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Vincent G. LoTempio, Kloss, Stenger & LoTempio, 69 Delaware Avenue, Suite 1002, Buffalo, NY 14202, on April 17, 2012.

4/17/2012
Date of Signature
1910167-1

John J. O'Malley

Therefore, Applicant sought consent from Opposer to extend the discovery period. On March 15, 2012, the Opposer consented to an extension of the discovery period by 30 days.

Applicant did not discover the Board's February 9, 2012 Order until after the Applicant filed their Motion for an Extension of Answer or Discovery or Trial Periods with consent on March 19, 2012.

Opposer and Applicant have proceeded with exchange of discovery response, but need additional time for follow up discovery and depositions. Applicant's client contact is currently out of the country and will not return until the middle of May.

Since the parties are only asking that the Board reinstate the previous discovery and trial period, neither party will be prejudiced if the motion is granted.

Opposer's attorney consented to the resetting of the discovery period in accordance with the board's February 9, 2012 Order in an e-mail exchange on April 16, 2012.

Schedule according to February 9, 2012 Order:

Expert Disclosures Due	5/6/2012
Discovery Closes	6/5/2012
Plaintiff's Pretrial Disclosures	7/20/2012
Plaintiff's 30-day Trial Period Ends	9/3/2012
Defendant's Pretrial Disclosures	9/18/2012
Defendant's 30-day Trial Period Ends	11/2/2012
Plaintiff's Rebuttal Disclosures	11/17/2012
Plaintiff's 15-day Rebuttal Period Ends	12/17/2012

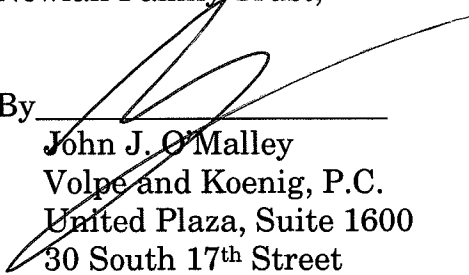
TRADEMARK
Opposition No. 91200643

Applicant respectfully requests that this motion be granted.

Respectfully submitted,

Nowlan Family Trust,

Date: 4/17/12

By 
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